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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Twentieth session

Summary record of the 408th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 4 September 2018, at 10 a.m.

Chair: Ms. Degener

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The meeting was called to order at 10 a.m.

Submission of reports by parties to the Convention under article 35 (*continued*)

Initial report of Bulgaria (continued) (CRPD/C/BGR/1; CRPD/C/BGR/Q/1 and CRPD/C/BGR/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Bulgaria took places at the Committee table.*

Articles 11–20 (continued)

2. **Ms. Tsenova** (Bulgaria), responding to questions raised at the previous meeting, said that the rights of victims of domestic violence were enumerated in the Protection from Domestic Violence Act, which had been adopted in 2005. The Act contained a definition of domestic violence, determined the range of punishments to be imposed on perpetrators and stated that everyone could seek protection under the law, including persons with disabilities. Every year, as required under the Act, the Ministry of Justice set funds aside to enable non-governmental organizations (NGOs) to contribute to the fight against domestic violence. In recent years, more than 30 NGOs had received funding for their efforts to combat domestic violence. In 2014, a training session had been organized to help judges become more familiar with the measures that could be taken to combat domestic violence, while projects set up in 2015 had involved working with perpetrators, reintegrating victims and sharpening the skills of social workers. In addition, domestic violence awareness-raising campaigns were conducted in the country's schools.

3. Persons with disabilities were entitled to support in their dealings with the justice system, in particular when they were defendants or when there were doubts about their ability to provide evidence. Police officers and prison and medical staff were required by law to have specific qualifications to work with persons with psychosocial disabilities. Police officers were trained at an academy run by the Ministry of the Interior. The training placed considerable emphasis on human rights. One course, taught in the first and second years, covered the rights enshrined by the Convention. In another course, instruction was provided on how to deal with persons with disabilities, including children, who were victims of domestic violence. A number of other courses offered at the academy — on criminal procedure, for instance, and on protection from discrimination — also covered matters of relevance to persons with disabilities.

4. **Ms. Kanyova** (Bulgaria) said that children, including children with disabilities, were protected from exploitation, violence and abuse not only by the Protection from Domestic Violence Act but also by the Child Protection Act, the aims of which were to prevent violence against children, coordinate efforts to combat it and ensure that child victims received support. Under the latter act, the Child Protection Department, municipal authorities and representatives of the regional police departments were required to work together. In some cases, multidisciplinary teams also included health officials, general practitioners and representatives of NGOs that worked with child victims of violence. Social assistance directorates were responsible for ensuring that measures were taken to assist such victims. The number of reports of violence against children had fallen in recent years. A national programme for the prevention of violence against children had been adopted in 2017. The programme's emphasis was on taking effective measures to prevent child abuse, including sexual violence. Activities designed to improve inter-institutional responses to cases of violence against children were also carried out as part of the programme. Bulgaria had a toll-free hotline that provided information to children anywhere in the country. The line had received some 85,000 calls in 2016, most relating to interpersonal relationships, family matters, social problems and health care. Bulgaria also had crisis centres for child victims of violence. One of the objectives of ongoing reform was to ensure that such centres were available throughout the country. There were currently 23, which could accommodate a total of 246 children, in 14 of the country's 28 first-level administrative divisions.

5. **Ms. Miteva** (Bulgaria) said that the aim of community-based social services, including residential facilities, was to allow persons with disabilities to live in a family-like

environment. Small group homes, of which there were several varieties, had at most 15 residents, although some had no more than 8. A focus on enhancing the competencies of social workers and staff members of the regional offices of the Social Assistance Agency helped ensure that the rights of persons with disabilities were protected. A project that would conclude in 2019, for example, sought to build the capacities of social assistance providers. The project, for which 28 million Bulgarian leva had been set aside, had been set up in large part to prepare for the planned deinstitutionalization of older persons and persons with disabilities by ensuring, inter alia, that social workers and other social service personnel had the training to deal with the expected changes. Multidisciplinary approaches would be stressed, individual needs assessment and support plans introduced and cross-sectoral training sessions organized as part of the project.

6. Members of specially trained teams would complete the individual assessments that would be required as efforts to move older people and people with disabilities out of institutions began in earnest. Individual support plans would prepare such people, especially those who had spent a long time in institutions, to return to the community. Their preferences would be taken into account. The entire process would involve medical specialists and providers of social services, including NGOs. Programmes would be implemented to promote the social inclusion of, and provide support for, persons with psychosocial and intellectual disabilities. Job training and employment would be provided with the support of the National Employment Agency, municipalities, social service providers and NGOs.

7. Some of the amendments made to the Social Assistance Act in early 2016 had been intended to improve access to social services, including by ensuring that the users of such services could exercise their rights and that their needs were fully assessed. The amendments provided that the preferences of adults under both full and partial guardianship must be taken into account. The preferences expressed by adults under partial guardianship would take precedence over those of their guardians. More safeguards had been introduced for adults under full guardianship, establishing clear terms and conditions for their placement in institutions. The courts were required to consider the preferences of the person concerned and could only place that person in an institution if there were no other alternatives.

8. One of the main objectives of the National Long-Term Care Strategy was to prevent children from being sent to institutions and ensure that they were not moved to residential facilities for adults when they came of age. Emphasis was placed, instead, on ensuring the provision of family-style or foster care and on day care, social rehabilitation and early childhood development. The action plan for the implementation of the National Long-term Care Strategy had been developed and drafted with the active participation of NGOs. One of the plan's stated objectives was to create the conditions that would enable persons with disabilities to live independently and be included in the community, in line with article 19 of the Convention.

9. **Ms. Disheva** (Bulgaria) said that social services were provided in the home or community or in specialized institutions according to the preferences and personal choices of the persons who needed them, with the aim of supporting social inclusion and independent living. The relevant legislation had been amended in 2016 to introduce a differentiated approach to the provision of social services for adults, depending on the target group and type of disabilities. The main objective was to meet the individual needs of persons with disabilities. Services included personal assistance, home visits and community-based part-time care and rehabilitation. There were also temporary residential centres, family-type residential centres and protected and supervised homes for persons with disabilities, as well as specialized institutions for specific disabilities.

10. The main priority of social services reform was the transition from institutional to community-based care. Between 2014 and 2017, there had been a decrease in the number of specialized institutions and the number of people accommodated in them, with a corresponding increase in the number of persons with disabilities receiving community-based social services, which had risen from 6,000 adults in 2014 to 7,000 adults in 2018. As of July 2018, there had been more than 700 community-based social services specifically for adults and children with disabilities. Irrespective of whether they were under

guardianship or had full capacity, all persons with disabilities had the right to indicate whether they wished to use social services and where they wanted to live. In terms of the cost of social services, adults paid a percentage of their income, but children and persons without any income were exempt from paying fees. Social services providers drafted individual support plans for service users, based on their needs.

11. **Ms. Miteva** (Bulgaria) said that, since 2017, the Government had been working to ensure the sustainability of the social services currently receiving support from the European Structural and Investment Funds. Independent living projects were being implemented by all municipalities in the country, which, through an agreement with the Social Assistance Agency, received resources to provide services for persons with disabilities, such as personal assistance and home assistance. In the second half of 2017, more than 7,000 persons had used personal assistance services. In 2018, over 68 million leva had been provided for the continued provision of such services.

12. **Mr. Baychev** (Bulgaria) said that the Government provided a package of measures to support the mobility and independence of persons with disabilities, such as specially trained and licensed guide dogs for blind persons. Persons with visual impairments and their guide dogs had free access to public places and public transportation. There was also a social rehabilitation and integration centre for persons with visual impairments, set up in 2012 with a capacity of 20 places, funded by the national budget. Persons with disabilities were also provided with financial support to enable them to buy specially adapted cars to allow them to travel to work or study. Persons with a degree of disability of more than 50 per cent were exempt from paying tolls for using the country's road network. There was now a fast-track procedure for applying for that exemption online or by post.

13. The Ministry of Labour and Social Policy had received proposals from national representative organizations of persons with disabilities to expand the list of assistive devices, such as special wheelchairs for children, for which persons with disabilities could receive support. A task force of experts had been set up to regularly update the list. The procedure for obtaining assistive devices had been simplified and expedited.

14. **Mr. Koralski** (Bulgaria) added that the Government spent almost 50 million leva annually on medical aids and devices and that public transportation was free of charge for all persons with disabilities.

15. **Ms. Harizanova** (Bulgaria) said that the challenges faced in the area of mental health included the fact that a number of medical experts left the country to work abroad. The National Health Strategy contained a section on mental health. Measures to implement the Strategy included continuing the process of deinstitutionalization, reformulating the functions of psychiatric hospitals and providing an environment that was as close to a natural environment as possible for patients. In 2016, seven psychiatric wards had been renovated, over 600 medical staff had been trained and awareness campaigns had been conducted with a view to overcoming the stigma associated with mental disabilities. An inter-institutional working group was currently drafting a national programme for psychiatric health for the period 2018–2025.

16. **Mr. Koralski** (Bulgaria) said that the Government attached great importance to protection and assistance for persons with disabilities during humanitarian emergencies and natural disasters. All municipal services and offices had protocols for working in situations of risk and emergency. The Agency for Persons with Disabilities had an information system that identified persons with disabilities by address and type of disability. In the event of an emergency, persons with disabilities were given priority. Rescue teams were trained to provide appropriate assistance depending on the type of disability. With regard to the employment of persons with disabilities in the justice system, many persons with disabilities studied law, and a number of persons with disabilities in senior positions in government and civil society institutions had a legal background, including the president of the Union of the Blind of Bulgaria and members of the Ombudsman's Office and the Commission for Protection against Discrimination. There were already lawyers with disabilities, including visual impairments, working in the justice system, and it was to be hoped that the Supreme Judicial Council would soon appoint a person with a disability as a judge.

Articles 21–33

17. **Mr. Martin** said that it was his understanding that persons with intellectual disabilities under guardianship could not set up or be part of organizations of persons with disabilities because they lacked legal capacity. Was that true? If so, he wished to know whether there were any plans to change that situation. He would be interested to know whether the Government provided public information in Easy Read format for citizens with an intellectual disability. Noting that persons with intellectual disabilities generally had worse health outcomes and did not live as long as others, he asked what the Government planned to do to improve health outcomes for all persons with intellectual disabilities, especially children living in institutions.

18. **Mr. Alsaif** said that he would be interested to hear more about measures taken to prevent children with disabilities from being separated from their families and placed in institutions and to provide a network of primary support services for children with disabilities and their families, especially in remote and rural areas. He would welcome information on any plans to revoke provisions of the Family Code that restricted the right to marry for persons with disabilities under full guardianship. He would like to know how free access to the medicines and supplies required by persons as a result of their impairment was guaranteed. Information on measures to raise awareness of the human rights model of disability among all health professionals, including training on the right to free and informed consent, would also be appreciated. He would like to know to what extent persons with disabilities and their representative organizations were involved in international cooperation. It would also be interesting to learn how organizations of persons with disabilities were participating in the implementation of the 2030 Agenda for Sustainable Development and how the human rights model of disability was being mainstreamed in the implementation of measures to achieve the Sustainable Development Goals. Lastly, he would like to know what time frame was envisaged for the designation of an independent monitoring mechanism in line with article 33 of the Convention.

19. **Mr. Ruskus** said that, while the adoption of the Preschool and School Education Act in 2016 was commendable, there were concerns that it was being applied in a very formalistic way and without properly equipping mainstream schools for inclusive education. He would like an update on how many children with disabilities attended mainstream schools and received support to study the same curriculum and obtain the same qualifications as other children. Information on the types of disabilities those children had would also be welcome. He wished to know what concrete steps the Government planned to take to ensure that all children with disabilities had access to inclusive education. He would be grateful for information on specific Government programmes to support persons with intellectual or psychosocial disabilities in their efforts to obtain employment, including through inclusive vocational education and support for employers. He would like to know how the right to health was ensured; in particular, he wondered about the availability of medication and assistive devices and community-based services for adults and children with neurological and cognitive conditions and chronic, genetic and rare diseases. It would also be interesting to hear about the accessibility of sports events and facilities for persons with disabilities, support and recognition of athletes with disabilities on an equal basis with others and the promotion of the Paralympic Games in the media.

20. **The Chair** said that she would like to know how the most vulnerable children were protected under the Preschool and School Education Act and how it would be ensured that children with intellectual disabilities could attend mainstream schools. If the Act was not accompanied by an accessibility plan for all schools, many children would be left behind. She would be interested to know whether there were any measures to provide women with disabilities with access to reproductive and sexual health services, including accessible maternal health, family planning, gynaecology and midwifery services. Information on any supported parenthood programmes for parents with intellectual disabilities would also be welcome. While Bulgaria joined the Committee in opposing the adoption of the draft Additional Protocol to the Convention on Human Rights and Biomedicine (Oviedo Convention) concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment, it did not have a good record when it came to involuntary treatment in the mental health system. She

wondered if there were any programmes or hospitals working to decrease involuntary treatment. Lastly, she would like to know how it would be ensured that all persons with disabilities, including those under guardianship and in institutions, had the right to vote and that the electoral system was fully accessible.

21. **Mr. Buntan** said that he would be grateful for additional information on the concrete action taken by the State party to ensure that persons with disabilities were actively involved in and consulted on the development of plans, protocols and policies concerning disaster risk reduction and humanitarian activities. He wished to learn whether asylum seekers and refugees with disabilities were provided with the same services as those without disabilities. Clarification of the legal status of Bulgarian Sign Language and Braille would be appreciated. In addition, it would be helpful to hear how the authorities ensured that public information was systematically made available in accessible formats, including Easy Read. He would also appreciate more details regarding the technical and financial support provided to organizations of persons with disabilities to enable them to engage actively in the formulation, implementation and monitoring of policies relating to the Convention, including whether there was a legal requirement for the Government to provide such support. It would be interesting to hear the delegation's comments on how the establishment of residential group homes, which imposed restrictions on their residents, was consistent with the deinstitutionalization plan.

22. **Mr. Tatić** said that he would appreciate clarification of whether the calls made to the national hotline mentioned by the delegation had been made by children with disabilities. He would also be grateful for information on how many children with disabilities who had been exposed to violence had benefited from protective mechanisms. Data on the percentage of public websites that conformed to international standards on accessibility for blind persons would be welcome. It would also be useful to receive information on how much the State party intended to invest in the provision of reasonable accommodation and individualized support for inclusive education over the next two to five years. The Committee had received reports of instances in which teachers and parents had displayed negative attitudes towards students with disabilities at schools; he wondered whether there were any awareness-raising measures to combat such attitudes.

23. He would be grateful for data on the unemployment rate among persons with disabilities as compared with that of persons without disabilities. He would also appreciate information on any measures taken to assist persons with disabilities and their families with the additional financial burden they faced. Lastly, it would be interesting to learn about opportunities for accessible tourism in the State party.

The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.

24. **Ms. Harizanova** (Bulgaria) said that the six priorities being pursued under the second Action Plan for the Implementation of the Convention and the National Long-term Care Strategy focused mainly on increasing accessibility for and participation by persons with disabilities. The first of the six priorities was centred on the home environment and transportation. In addition to areas such as road infrastructure and accessible public buildings and open spaces, it covered information and communications technologies and the Internet, in line with the provisions of articles 9 and 21 of the Convention. The main activities conducted in that connection included the identification and removal of barriers to accessibility and the implementation of accessibility standards. A working group had been established to facilitate the incorporation of the provisions of the European Commission Web Accessibility Directive into national legislation. Steps were also being taken to harmonize national legislation with European Union regulations and standards and to enhance access to information through the use of Braille and sign language. The cities of Sofia and the city of Burgas had both adopted strategies designed to maximize the accessibility of public transport.

25. The second priority was providing equal access to inclusive education. The areas it covered included measures to ensure an accessible and supportive environment in kindergartens and schools, the upgrading of skills among teaching staff, the introduction of early intervention measures and the provision of career guidance and extracurricular

activities. In higher education, a project was under way to support students with special educational needs in applying to and attending university, including at the doctorate level.

26. The third priority was ensuring effective access to health services, including measures to raise awareness among medical professionals regarding the human rights and the dignity, independence and needs of persons with disabilities. Steps were also being taken to ensure appropriate interventions to prevent further disability and to provide facilities for the diagnosis, treatment and medical and social rehabilitation of persons with disabilities.

27. The fourth priority was aimed at implementing measures for the employment of persons with disabilities, including protected employment and appropriate jobs for persons with severe disabilities, developing incentives for the establishment of specialized enterprises of persons with disabilities, introducing clear rules for employers of persons with disabilities and increasing opportunities for remote working and entrepreneurship. The fifth priority was providing community-based support, including materials and facilities, for persons with disabilities, and the sixth priority was ensuring access to sports, recreation and tourism for persons with disabilities, including through measures to increase opportunities for participation in sports clubs and cultural life.

28. The process of drafting the National Long-term Care Strategy had been carried out with the participation of all national organizations representing persons with disabilities, including those with psychosocial and intellectual disabilities. The Government provided subsidies to such organizations, and other NGOs were able to apply for project funding from the Agency for Persons with Disabilities.

29. **Ms. Aleksov** (Bulgaria) said that the Preschool and School Education Act had established inclusive education as a policy priority. The Act contained provisions aimed at ensuring that inclusive education was based on the individual needs of the child and that children with special educational needs received additional support. In addition to 28 inclusive education support centres, regional teams had been set up to support the development of children with special educational needs, including individualized assessments for children whose parents had applied to enrol them in specialized schools. Students graduating from the seventh and tenth grades could be referred to vocational education or training programmes.

30. During the 2017/18 academic year, 18,000 children with special educational needs had attended mainstream schools and approximately 4,000 had attended kindergartens. Regional inclusive education centres had provided support to more than 7,000 students. Overall, 3,728 pedagogical experts, 1,397 resources teachers, more than 700 psychologists, more than 500 speech therapists, 69 rehabilitators and approximately 700 counsellors had been employed. The Ministry of Education and Science was designing a training programme on equal access for development. In 2017, 500 staff from the regional centres had participated in training sessions aimed at upgrading skills in conducting individualized assessments for children with special education needs. Over a thousand pedagogical experts, speech therapists, psychologists and teachers were working alongside parents in 80 schools to support the development of students.

31. On 1 August 2017, special schools for children with intellectual difficulties had been closed and reconfigured into 43 centres providing support for more than 2,000 children with special educational needs who were attending mainstream schools. There were also five schools for children with sensory impairments, three for children with hearing impairments and two for children with visual impairments. Overall, the number of children attending specialized schools and special education support centres was decreasing as a result of the inclusive education policy.

32. Children received support to help them adapt as they moved through the different stages of the education system. Educational content was tailored to the needs of each child, and included the use of specialized technology, therapeutic support and rehabilitation. Special materials and aids were available, and exams could be adapted if necessary, including through the use of Braille or Easy Read formats. The physical environment in schools, kindergartens and regional centres was also adapted to the special needs of children with disabilities.

33. The Ministry of Education and Science had established a programme entitled "Science and Education for Smart Growth", which provided budgetary resources for initiatives such as early prevention and intervention for children with special educational needs. In 2019, more than 20 million leva would be allocated to enhancing the efforts of pedagogical experts who worked with such children.

34. **Mr. Naydenov** (Bulgaria) said that, over the previous 10 years, unemployed persons with permanent disabilities had been prioritized in government policy on employment. Persons with disabilities benefited from both general and specific programmes and measures intended to boost employment, including a national employment programme for persons with disabilities. The National Employment Agency had also contributed to efforts to increase employment among persons with disabilities. Funding provided under national programmes for the promotion of employment among persons with disabilities had increased from 14 million leva in 2015 to 18 million in 2017.

35. As a result of the measures taken in recent years, the number of persons with disabilities in employment had risen from around 8,000 in 2015 to almost 11,000 in 2017. Employment rates for men and women with disabilities were similar; the rate had been around 20 per cent in 2017, about 2.5 per cent higher than in 2014. Unemployment among persons with disabilities had dropped 10 percentage points, from 18.6 per cent to 8.5 per cent, between 2014 and 2017, and was currently only around 2.3 per cent higher than the rate for the general population. The National Institute of Statistics gathered data quarterly, broken down by gender, age and level of education, among other factors, on employment among persons whose capacity to work was partially reduced.

36. In August 2017, following the establishment of two training projects for young people and adults with disabilities, the National Employment Agency had begun taking requests for training and employment from persons with disabilities. Both projects were funded by the European Social Fund and were intended to increase opportunities for sustainable employment for persons with disabilities by encouraging companies to retain such persons on their staff for longer periods of time. The projects aimed to secure employment for 200 persons with permanent disabilities aged 29 years and under and 800 such persons aged over 29 years.

37. Under the Vocational Education and Training Act, specific vocational training for jobs involving routine activities and actions would be provided to persons with different types of disability, including children with visual or hearing impairments, persons with special educational needs and persons with intellectual disabilities. In accordance with article 32 of the Act, children with chronic diseases would be given vocational training and education that was appropriate to their state of health. The Ministry of Education and Science, together with the Ministry of Health, had determined the jobs that were appropriate for young persons with different types of disability. Persons with psychosocial disabilities tended to find employment in social enterprises.

38. **Mr. Koralski** (Bulgaria) said that, as a result of programmes intended to promote entrepreneurship among persons with disabilities, 150 such persons had started their own businesses, some 95 per cent of which had been successful.

39. **Ms. Miteva** (Bulgaria) said that, through the Agency for Social Assistance, measures had been taken to promote the social integration of persons with disabilities by facilitating their access to transport, information, nutritious food and other support. In 2017, around 100,000 persons with disabilities had received such support. Additional support was provided to enable persons with disabilities to obtain treatment abroad. A monthly allowance was provided to children with permanent disabilities to ensure that their basic needs were met in a home environment. In 2017, 26,000 children had received a total of 161 million leva.

40. **Mr. Baychev** (Bulgaria) said that refugees and asylum seekers with disabilities were entitled to the same support as Bulgarian citizens. Under a bill that was currently being drafted, foreign nationals with disabilities who held a residence permit, had refugee status or were under temporary protection would be entitled to the same rights as Bulgarian citizens. Under draft legislation that was expected to be adopted in 2019, persons with disabilities would receive a monthly allowance intended to offset the cost of their disability;

the amount would be based on the level of disability and the individual's needs. Persons with disabilities would also receive support for medical devices, transportation, housing and rehabilitation services. Under the new legislation, it would be possible to submit applications for such support by post or by electronic means. The level of support would be calculated on the basis of the poverty threshold and would increase every year.

41. **Mr. Koralski** (Bulgaria) said that, although current legislation placed restrictions on the legal capacity of persons with certain disabilities, the parliament was expected to discuss the provisions in question, with a view to amending them, by the end of 2018. Special arrangements were made to enable persons with all types of disabilities to vote. In accordance with draft legislation that was due to be resubmitted to parliament after being redrafted, Bulgarian Sign Language would be legally recognized and a methodology for training sign language interpreters would be established. Braille had been officially recognized in 1944. A number of cultural centres catered for readers of Braille and 10 to 15 Braille books were published every year. An application had been developed that enabled blind persons and persons with visual impairments to use the Internet.

42. The Government placed significant emphasis on the promotion of sports for young people, including those with disabilities. Almost all sports facilities were accessible for persons with disabilities. Bulgaria was one of the few countries in which it was possible to study adapted physical education at university level. Specialist trainers helped persons with disabilities to participate in a range of sports and, thanks to government funding, a number of Bulgarian athletes with disabilities had achieved a significant level of success, including at an international level. Persons with disabilities who visited Bulgaria as tourists were advised to visit the Devetashka Cave, the Alexander Nevsky Cathedral, the town of Sozopol and the town of Pomorie, all of which were well adapted for persons with disabilities, as were many museums, theatres and hotels in Sofia and elsewhere.

43. The Convention was a special treaty because it was aimed at placing persons with disabilities on an equal footing with the rest of society. Measures intended to promote and protect the rights of persons with disabilities should cohere into a sustainable policy that could be implemented in daily life for the benefit of persons with disabilities as well as their families. The dialogue between the delegation and the Committee would provide the Government with useful guidance for improving the legal framework on disability and protecting the high standards enjoyed by persons with disabilities in Bulgaria. The Government would carefully consider all the recommendations put to it by the Committee. It was fully committed to promoting inter-institutional coordination and working with all stakeholders, including international and non-governmental organizations, to promote the rights of persons with disabilities.

44. **Mr. Tatić** (Country Rapporteur) said that the dialogue had been open, constructive and sincere and that it had been a privilege and a pleasure to be the Country Rapporteur for Bulgaria. The Government should continue to consider its approach to deinstitutionalization; in that regard, he would refer the delegation to the Committee's general comment No. 5 (2017). It was hoped that a number of crucial laws would shortly be adopted, including the new Persons with Disabilities Act, the Natural Persons and Support Measures Act and the proposed law on personal assistance. The State party should continue to monitor all instances of violence and abuse committed against persons with disabilities and should strive to increase its investment in inclusive education and employment in the open labour market for persons with disabilities.

45. **Ms. Manolova** (Ombudsman, Bulgaria) said that she was grateful to Mr. Tatić and to the Committee for having given her the opportunity to participate in the dialogue. The individuals and organizations fighting for the rights of persons with disabilities in Bulgaria were very courageous and had turned the fight for those rights into a central issue for Bulgarian society, which was now ready to undertake the necessary reforms.

The meeting rose at 1.10 p.m.

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Convention on the Rights of Persons with Disabilities

Distr.: General
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Committee on the Rights of Persons with Disabilities
Twentieth session

Summary record of the 409th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 4 September 2018, at 3 p.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Poland

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Poland (CRPD/C/POL/1; CRPD/C/POL/Q/1 and CRPD/C/POL/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Poland took places at the Committee table.*

2. **Mr. Michalkiewicz** (Poland), introducing his country's initial report (CRPD/C/POL/1), said that support for and integration of persons with disabilities and their families were among his Government's priorities. All actions in that regard were taken after consulting persons with disabilities and their representative organizations. Dialogue also took place within the National Advisory Council for Persons with Disabilities and the Polish Sign Language Council.

3. An interministerial team for the implementation of the Convention had been set up. Progress had been made with regard to family policy, education, architectural and digital accessibility, and mobility. Change in the areas of supported employment, education, personal assistance, respite care and the accessibility of public spaces and services was ongoing. The existing systems for the assessment of disability and incapacity for work would be merged.

4. Work on a Disability Strategy for 2018–2030, incorporating a comprehensive national policy framework for persons with disabilities, was being finalized. The Strategy was designed to increase and improve the quality of participation of persons with disabilities in social and professional life. In drawing up the Strategy, priority had been given to the voice of persons with disabilities and their families and representative organizations, and their proposals relating to employment, education and medical, social and vocational rehabilitation had been taken into account.

5. The family was at the centre of his Government's policies. The "For Life" programme, adopted in 2016, set out the framework for the provision of comprehensive support — psychological, social and economic — to families of persons with disabilities. The initiatives carried out under the programme were described in paragraph 1 of the replies to the list of issues (CRPD/C/POL/Q/1/Add.1). At least $162 million in government funding was allocated each year for the programme's implementation.

6. In May 2018, his Government had presented a road map for the development of the support system for persons with disabilities, which would comprise a solidarity fund, a social responsibility package and the "Friendly Poland — Accessibility Plus" programme. Resources from the solidarity fund would be allocated to social and vocational support services. The social responsibility package would provide, inter alia, for new cash benefits, additional vocational rehabilitation and supported employment measures, and a reformed disability assessment system.

7. An important aspect of the National Housing Programme was the elimination of barriers that prevented persons with disabilities from living independently. To that end, the Programme included an obligation to build accessible flats. Furthermore, as part of the "For Life" programme, financial support had been increased for investment projects under which housing units were set aside for families that included children with disabilities.

8. Under the "Family 500+" programme, families that included children with disabilities enjoyed favourable arrangements with regard to eligibility for child benefit. Persons who had been disabled since childhood had the right to a social pension, even if they had never paid social insurance contributions and were unable to work. The amount of the pension had been raised by nearly 40 per cent over the past three years. Other benefits compensating for disability-related costs were increased regularly and the group of people receiving them was being expanded. In 2017, a record amount of $4.5 billion had been earmarked for support for persons with disabilities and their families.

9. A large-scale process of deinstitutionalization was under way. In that connection, a network of sheltered housing units was being developed and independent living services were being further tailored to individual needs. Day-care centres and community self-help homes for persons with mental disabilities were being set up, and a community-based programme had been launched to provide emergency and outpatient mental health care.

10. The "Friendly Poland — Accessibility Plus" programme, described in paragraph 63 of the replies to the list of issues, was aimed at improving quality of life for persons with disabilities and paving the way for independent living for all. The programme was based on an integrated approach, pursuant to which all future draft laws would undergo a disability impact analysis. A draft law on accessibility was in the pipeline and would provide the legal basis for effective implementation of the accessibility principle. Under the draft law, accessibility audits would be carried out of all large-scale investment projects and amendments would be made to existing laws and regulations, such as the Road Traffic Act.

11. There were plans to launch an education campaign on accessibility, along with training courses for various groups of professionals on the rules of universal design. European Union Directive 2016/2102 (EU) of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies was being incorporated into national legislation and would be implemented in full in all public institutions. The regulations on the accessibility of the Internet would ensure that persons with disabilities could use universal services online, and businesses would be supported in making their websites accessible.

12. Polish law ensured the right to defence of persons with disabilities and protected the rights of legally incapacitated persons and of vulnerable persons in general. To ensure physical accessibility, court buildings had been fitted with wheelchair ramps, and amenities such as videoconferencing equipment and sign language services were available, along with online access to case-related information.

13. The place of a child with a disability was among peers in a public school; that principle was guaranteed in the Act on the Education System, further details of which were contained in paragraph 319 of the initial report. The choice of the form of education belonged to parents, and to students themselves if they had reached the age of majority. Early development support offered from birth significantly increased educational opportunities for children with disabilities. Educational materials were being adapted to meet the needs of those children, and appropriate teacher training was being carried out. Centres providing rehabilitation, physiotherapy, speech therapy and similar services for children with disabilities or at risk of disability had been established under the "For Life" programme. Work was ongoing to develop a system of functional diagnosis, based on a biopsychosocial model of disability, for conceptualizing the special needs of children with disabilities. Inclusive education centres would be set up to provide counselling and support to parents.

14. Medical rehabilitation services were being adapted to better meet patients' needs and coordination with other support services was being enhanced; new rehabilitation standards were being prepared. In addition, a law had been passed guaranteeing special rights for persons with severe disabilities regarding access to health-care and rehabilitation services and to medical devices.

15. The number of persons with disabilities in work was steadily increasing. Support for employers of persons with disabilities would be improved, along with arrangements to help persons with disabilities enter the open labour market. New measures relating to supported employment would be introduced, targeting those persons facing the greatest barriers to labour market integration.

16. **Mr. Ruskus** (Country Rapporteur) said that Poland was to be commended on the adoption of the "Friendly Poland — Accessibility Plus" programme, which, he hoped, would receive sufficient funding for its successful implementation, and on the revision of the Telecommunications Act and the law on the digitization of the operations of public sector bodies, which were aimed, respectively, at rendering telephone services and information held by public sector bodies more accessible to persons with disabilities. At the

same time, it was disappointing that recent amendments to the Election Code of 2011 had made voting procedures for persons with moderate or severe disabilities more onerous.

17. Persons with disabilities continued to face considerable challenges to the enjoyment of their rights on an equal basis with others. The fact that the State party continued to take a charity and social protection approach to disability, rather than adopting a human rights-based model, was a matter of deep concern. There should be more focus on measures promoting full social inclusion, equality and non-discrimination.

18. National legislation, policies and programmes were poorly harmonized with the provisions of the Convention. In particular, definitions of disability and disability assessment mechanisms highlighted individual incapacity to work or to effectively perform social roles, thus perpetuating negative stereotypes. Furthermore, professionals working with persons with disabilities were often unaware of the rights of those persons and of obligations arising from the Convention.

19. Women with disabilities were at disproportionate risk of gender-based violence and faced significant barriers to the exercise of their sexual and reproductive rights. They were also disproportionately affected by negative stereotypes, lack of access to access justice, dependency on benefits and difficulties in finding employment, especially women with psychosocial and/or intellectual disabilities.

20. According to reports, around 90,000 persons with psychosocial and/or intellectual disabilities in the State party had been fully or partially deprived of legal capacity on the basis of their disability, and that number was growing. Such persons were often placed in segregated institutions and there was a lack of supported decision-making mechanisms that respected their autonomy, will and preferences.

21. The Committee was concerned about the State party's reservations to articles 23 (1) (a) and (b) and 25 (a) of the Convention and its interpretative declaration regarding article 12 and about the fact that Poland had not yet acceded to the Optional Protocol to the Convention. Lastly, it wished to know whether Poland intended, like other States such as Portugal, to oppose the adoption of the draft Additional Protocol to the Council of Europe Convention on Human Rights and Biomedicine, concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment. The draft Additional Protocol legitimized the use of force and arbitrary deprivation of liberty against persons with psychosocial and/or intellectual disabilities, contained stigmatizing language in their regard and breached the right to non-discrimination.

Articles 1–10

22. **Mr. Kabue** asked what measures had been taken to resolve the linguistic issues relating to the Polish translation of the Convention and to align the degrading definition of disability contained in national legislation with that found in the Convention. Information on any plans to withdraw the State party's reservations to articles 23 (1) (a) and (b) and 25 (a) of the Convention would be welcome. He also wished to know whether the State party intended to accede to the Optional Protocol to the Convention and whether it had any specific reasons for not having done so to date. He wondered how persons with disabilities and their representative organizations had been involved in the preparation of the Disability Strategy for 2018–2030. Lastly, he would like to know what measures had been taken to combat violence against and abuse of women with disabilities and to ensure that they were economically empowered and had access to reproductive health-care services.

23. **Mr. Langvad** said that he would appreciate an update regarding the status of the Polish translations of the Committee's first six general comments. In the light of the economic growth experienced by Poland, he wondered how the State party was honouring its commitment to take measures to the maximum of its available resources to improve the situation of persons with disabilities. He wished to know how women and girls with disabilities who were also members of other minorities, including sexual minorities, were protected. He would welcome information on the collection of data on women and girls with disabilities and on consultations with their representative organizations regarding the development — based on those data — of policies and campaigns to address such issues as

violence, institutionalization and sexual and reproductive health. In the same vein, he would be interested to hear about measures taken to strengthen research so that data on intersectional discrimination against women and girls with disabilities could be disaggregated. He would be grateful for information on awareness-raising campaigns to promote the rights of persons with disabilities and to combat prejudice and stereotyping and on efforts to involve senior public officials, politicians, police officers, teachers and members of the legal professions in such campaigns. Information on how organizations of persons with disabilities were consulted regarding awareness-raising work would also be useful. Lastly, he would appreciate additional details of initiatives to increase accessibility in the State party.

24. **Mr. Chaker** asked whether any specific plans had been drawn up to protect women and girls with disabilities from violence, whether they received sex education in schools, whether lesbians with disabilities faced double discrimination and whether the Government provided them with protection and support. He would welcome information on awareness-raising campaigns promoting the contribution, capabilities and rights of persons with disabilities and on State funding for such campaigns.

25. **Mr. Martin** asked whether persons with intellectual disabilities were able to form representative organizations and what measures had been taken by the Government to ensure that all persons with disabilities were involved in the planning and delivery of campaigns to raise awareness of their rights.

26. **Mr. Tatić** said that he would appreciate further information on the legal framework in place to protect persons with disabilities from discrimination. It was unclear whether denial of reasonable accommodation was considered a prohibited form of discrimination in areas other than employment, as was required under the Convention. The Committee's general comment No. 6 (2018) on equality and non-discrimination might prove particularly instructive in that regard. Additional information on the measures taken to combat multiple and intersectional discrimination would also be welcome.

27. He wished to know whether the forthcoming law on accessibility would establish an obligation to monitor compliance, whether organizations of persons with disabilities would be involved in the monitoring process and what penalties would apply in the event of non-compliance. It would be helpful if the delegation could comment on the availability of information in Easy Read formats for persons with intellectual disabilities and on the number of sign language interpreters working in the country. Lastly, he wondered whether there were any plans to refurbish the fleets of public transport vehicles currently in service with a view to improving their accessibility. What was the role of public procurement in that context?

28. **The Chair** said that she wished to know whether organizations of persons with disabilities had been involved in the design of the new disability assessment system; whether the system reflected the human rights-based model of disability; whether persons with disabilities were actively involved in generating the information on the basis of which assessments were made; whether the practice of using multiple assessment methods had been discontinued in order to lighten the burden on applicants and to promote consistency and transparency in decision-making; whether information on assessment requirements was accessible and user-friendly; and whether disability assessment processes were regularly reviewed and scrutinized. She wished to recommend that, in future reports to the Committee, the State party should not include information on the measures taken to prevent impairment and disability, as such measures did not constitute a means of implementation of the Convention.

29. **Mr. Pyaneandee** said that he would be grateful for further information on the mechanism used to document complaints of discrimination and recent statistics on such complaints. It would be useful to learn what kind of complaints had been received and what remedies had been provided to victims.

30. **Mr. Basharu** asked what measures had been taken to end the isolation of children with disabilities and what efforts were being made to empower them, nurture their self-expression and ensure their dignity and autonomy.

31. **Mr. Ruskus** said that he would appreciate more information on the provisions under which perpetrators of hate crimes, including those motivated by disability or sexual orientation, were prosecuted. He wished to know what measures had been taken by the State party to ensure that standards and guidelines for products, programmes and services were based on universal design principles so as to ensure that they could be used by all persons with disabilities. Lastly, he wondered what training was provided to raise awareness among relevant professionals of their obligations and the rights of persons with disabilities under the Convention.

The meeting was suspended at 3.50 p.m. and resumed at 4.10 p.m.

32. **Ms. Maciejewska** (Poland) said that, in response to concerns raised by non-governmental organizations (NGOs), among other stakeholders, corrections to two articles of the official Polish translation of the Convention had been published on 15 June 2018. One of those corrections had concerned the translation of the word "mental" in article 1. Prior to the ratification of the Convention, broad and extensive consultations had been held with NGOs regarding the Polish translation. Further proposals made by organizations of persons with disabilities had been taken into account at a later stage.

33. Poland had no immediate plans to accede to the Optional Protocol. One reason was the limited number of individual communications that the Committee had considered, which made it difficult to analyse how the instrument would be interpreted and what obligations might be imposed on States parties. There were also doubts concerning the implications in the area of social rights. In addition, the procedures for reimbursing the costs associated with the individual communications procedure had yet to be established. Poland had taken the same position with regard to other similar instruments. However, the matter was under discussion.

34. **Ms. Iwanczyk** (Poland) said that the Disability Strategy for 2018–2030 would cover nearly all areas of the lives of persons with disabilities and had been designed to comply with the Convention. Consultations on the Strategy had been held with the National Advisory Council for Persons with Disabilities, a body made up of NGO representatives, and with organizations of persons with disabilities. Women's organizations and organizations of persons with disabilities had been involved in the implementation of a previous project designed by NGOs to implement the Convention.

35. **Mr. Pelczarski** (Poland) said that significant resources had been committed to improve the lives of persons with disabilities. For example, the "For Life" programme for the period 2017–2021 had a budget of more than 3 billion zlotys (Zl), while families in which one member had a disability had received over Zl 1.3 billion under the "Family 500+" programme. The social pension now amounted to over Zl 1,000 per person, and benefits for caregivers had also been increased.

36. Poland currently had multiple disability assessment systems, including a system for assessing degrees of disability in adults and children, a work capacity assessment system and systems in use in individual ministries. However, in late June 2018, a dedicated team had completed a project to harmonize the various systems, and the outcomes of its work were expected to be made available in the near future. The system for assessing degrees of disability was implemented at the central and local levels by nearly 300 disability assessment teams and 16 teams that handled appeals.

37. **Ms. Szymborska** (Poland) said that the Constitution established the equality of all persons before the law and the inadmissibility of discrimination on any grounds in political, social and economic life. Any person who had been subjected to discrimination could invoke those constitutional provisions. The Act on Equal Treatment, passed in 2010 to implement a number of regulations of the European Union regarding equal treatment provided for measures to combat acts of discrimination on various grounds, including sex, race, nationality, religion and sexual orientation. The Act covered discrimination by natural and legal persons, and by certain organizational units that did not constitute legal persons, and provided for compensation for victims of discrimination. Polish law should be seen as a holistic system that guaranteed the equality and dignity of all persons. Some of the issues affecting specific groups, for example women and girls belonging to minority groups, were addressed in other legal instruments.

38. **Ms. Kamedula-Tomaszewska** (Poland) said that, over a period of several years, the Government Plenipotentiary for Equal Treatment had organized a series of training events at the central and regional levels as part of a project on equal treatment as a principle of good governance. Their purpose had been to train civil servants in implementing and monitoring relevant legislation and strategies. The head of the civil service had organized other training events on disability-related issues. In 2017, a national conference had taken place to facilitate the sharing of best practices for the provision of public services to persons with disabilities. Thematic seminars had been held to address the ways in which the accessibility of public services could be improved. Training courses had also been organized for members of the diplomatic corps.

39. **Ms. Matysek** (Poland) said that, under Polish labour law, discrimination on any grounds, including disability, was prohibited. The rights established in other areas of law could also be invoked in the context of employment. Many safeguards were in place to ensure effective access to justice, including free legal aid. Future judges and prosecutors had been able to take a training course on the participation of persons with disabilities in court proceedings. The course had covered such practical matters as the assistance of psychologists and doctors and the provision of sign language interpretation. Disability issues had been addressed in a number of other training courses at the National School of the Judiciary and Prosecution Service. It had recently been decided that additional courses should be organized for future judges and prosecutors in order to strengthen the protection of the rights enshrined in the Convention by enhancing access to justice.

40. **Mr. Charkiewicz** (Poland) said the Criminal Code specified that, in the event that an offence was committed against a vulnerable person, the vulnerability of the victim constituted an aggravating circumstance attracting higher penalties. In 2017, the Criminal Code had been amended to establish a new offence to cover acts of ill-treatment against vulnerable persons, including persons with disabilities. Other amendments had been introduced in criminal law to strengthen the measures in place to protect women with disabilities from domestic abuse. Perpetrators of acts of hate speech motivated by sexual orientation could be prosecuted under the Criminal Code; its provisions on slander and defamation, inter alia, ensured that such discriminatory acts constituted an offence.

41. **Mr. Jaros** (Poland) said that the possibility of withdrawing the reservation entered by Poland to article 23 (1) (a) of the Convention and the interpretative declaration made with regard to article 12 was not currently under consideration. Indeed, their withdrawal would necessitate the introduction of amendments to relevant national legislation. The reservation and interpretative declaration in question related to the concept of incapacitation under Polish civil law. The legislative situation was complicated by the overlap between a number of related legal concepts and the fact that the institution of incapacitation was bound up with the basic principles of Polish civil law. Nevertheless, the Ministry of Justice was currently reviewing the institution of incapacitation. Some days previously, the Ministry's Department of International Cooperation and Human Rights had been authorized to submit a motion to begin the legislative work needed to remedy the situation. It was expected that Polish law would eventually be brought into line with the Convention.

42. **Mr. Kubacki** (Poland) said that Poland did not intend to withdraw its reservations to articles 23 (1) (b) and 25 (a) of the Convention, since it believed that those articles should not be interpreted in a way that either conferred an individual right to abortion or mandated Poland to provide access thereto. Persons with disabilities enjoyed access to reproductive health services on an equal basis with others. Reproductive health issues were included in the 2016–2020 National Health Programme, under which relevant training had been offered to health-care professionals. There was, in addition, a comprehensive reproductive health-care programme, as part of which access to infertility services and related care was being improved. Some Zl 100 million had been allocated for the purpose.

43. **Ms. Prekurat** (Poland) said that the Government remained firmly committed to combating violence against women with disabilities and had adopted the Act on Prevention of Violence within the Family and the National Programme on Counteracting Violence within the Family 2014–2020. The Programme, which was being implemented at the national and local levels, focused on prevention and education, along with protection and support for victims, rehabilitation of perpetrators, and training for police officers and other

relevant professionals. Under the Programme, various forms of assistance were available free of charge to victims of domestic violence, including counselling, crisis intervention and support, protection against further harm, and access to shelters and specialist support centres. The Government had also introduced the "Blue Card" system, which promoted closer cooperation between law enforcement, medical and welfare authorities in charge of responding to acts of domestic violence. In addition, victims had access to a 24-hour hotline offering guidance and support. Information on the range of victim support services available was readily accessible online. The Ministry of Family, Labour and Social Policy had devised specific guidelines on tackling domestic violence, for use by local government authorities, with a separate module focusing on persons with disabilities. It had also organized training sessions on matters relating to domestic violence.

44. **Ms. Lenarcik** (Poland) said that police officers investigated all acts of violence thoroughly, in accordance with the law, irrespective of whether they had been committed on the basis of the victim's disability, age, gender or sexual orientation. Police officers responding to cases of domestic violence took immediate steps to separate the perpetrator and the victim and undertook regular follow-up visits to ensure the victim's safety. A special questionnaire had been devised to help officers determine what forms of protection and support they should offer to victims of violence, including persons with disabilities, taking into account their particular needs. Officers also attended continuing training, including sessions on disability-related issues. With regard to sexual violence, standard procedures for identifying and assisting victims had been introduced, requiring the provision of appropriate psychological support and the use of specialist interviewing techniques.

45. **Ms. Speranza** (Poland) said that the Government was taking steps to end the institutionalization of children with disabilities. From 1 January 2020, the placement of children under the age of 10 in care homes would be prohibited and, from 1 January 2021, the maximum number of children living in a care facility would be limited to 14. Action had also been taken to introduce family-based care models and to recognize foster parenting as a professional occupation.

46. **Mr. Krasuski** (Poland), responding to questions regarding the "Friendly Poland — Accessibility Plus" programme, said that more than Zl 23 billion had been set aside to ensure the effective implementation of the programme, a large proportion of which had come from European structural and investment funds. The programme would be implemented through 44 specific measures, with monitoring by government and NGO representatives. The programme focused on establishing a legal and institutional framework for the development of accessibility; improving access to buildings, public spaces, transport, health-care facilities and cultural institutions; and increasing the use of compensation technologies and assistive technologies, which was expected to confer a competitive advantage on Polish businesses. The Government intended to launch a research and development fund to promote innovation in the field of accessibility.

47. The draft law on accessibility was one element of the "Friendly Poland — Accessibility Plus" programme. The law would impose penalties on organizations, companies and facilities in receipt of public funding that failed to comply with accessibility standards. It was hoped that the law would be adopted by the end of 2018 and implemented by mid-2019. Efforts were also under way to draft legislation on universal design and amend existing sectoral standards. In addition to digital accessibility standards, the Government had adopted legislation stipulating that, in future, public and private television broadcasters would have to offer sign language interpretation and audio description for at least 50 per cent of all programmes.

48. Concerted efforts had been made to consult the general public and organizations of persons with disabilities during the drafting and implementation phases of the "Friendly Poland — Accessibility Plus" programme. The programme itself provided for the establishment of an accessibility council that would, inter alia, issue binding opinions on any future accessibility legislation or standards. Action would be taken to involve NGOs, including organizations of persons with disabilities, in the design and running of national campaigns to raise awareness of accessibility and universal design. Capacity-building

would be provided to that end. In addition, training would be made available to a wide range of professionals on implementing relevant laws and regulations.

49. The "Friendly Poland — Accessibility Plus" programme was also intended to make travel more accessible for persons with disabilities. It provided for the adoption of general accessibility standards for the public transport network and related services, in accordance with the European Accessibility Act. Rolling stock and other public transport vehicles that failed to meet the required accessibility standards would be decommissioned or replaced. Such action had already been taken in larger cities and would be extended to smaller cities in the coming years.

50. The Government had adopted legislation governing the implementation of projects using European structural and investment funds to ensure that they complied with universal design and accessibility standards. Provision of reasonable accommodation was a requirement for education and training projects that used European funding, and there were penalties for non-compliance. At the same time, organizations could apply for co-financing to eliminate barriers to accessibility and inclusion.

Articles 11–20

51. **Mr. Buntan** asked within what time frame the Government planned to remove barriers relating to legal capacity in order to ensure compliance with the Convention and the Committee's general comment No. 1 (2014) on equal recognition before the law. He also wished to know whether persons with disabilities who had been deprived of their legal capacity were able to stand trial, and if so, what measures were taken to provide reasonable accommodation and ensure that they received a fair trial. Noting that sheltered living was common in countries that received European structural and investment funds, he asked whether the Government believed that such arrangements were compatible with deinstitutionalization, and how sheltered living helped persons with disabilities to live independently and be included in the community, given that their freedom to choose their residence was restricted.

52. **Mr. Martin** asked for what period persons with disabilities could have their legal capacity removed, whether such decisions were ever reviewed and what was being done to ensure that legally incapacitated persons with disabilities knew and understood their rights and were provided with information in that regard in accessible formats.

53. **Mr. Pyaneandee**, referring to his earlier question concerning article 5 of the Convention, said that he wished to know how complaints of human rights violations against persons with disabilities were filed, how many complaints had been filed in the past year and what remedies had been provided as a result. Turning to article 13, he asked what was being done to incorporate provisions concerning procedural and age-appropriate accommodations into national legislation, to ensure that persons with disabilities had equal access to justice, and to safeguard the rights of persons with disabilities during pretrial procedures. He also wished to know whether any steps were being taken to enable persons with disabilities to participate directly or indirectly in the justice system, as legal professionals, judges or other judicial staff, or as jurors.

54. **Mr. Alsaif** asked to what extent emergency evacuation plans took account of the needs of persons with disabilities. He also wished to know what steps had been taken to safeguard the rights of persons with disabilities in places of detention and whether custodial staff received training in that regard. He asked whether persons with psychosocial disabilities could, by law, be given medical treatment without their informed consent. Lastly, he wondered what measures had been taken to provide community support services for persons with disabilities so that they could live independently in the place of their choosing.

55. **Mr. Babu** asked when the Government intended to amend the Criminal Code to make it a specific offence to commit hate crimes against persons with disabilities. Regarding personal mobility, he wished to know more about the accommodations provided at driving test centres, the availability of adapted vehicles and any tax breaks that persons with disabilities might receive if they purchased such vehicles. He would also like to know

whether persons with disabilities who held a foreign driving licence were allowed to drive in Poland.

56. **The Chair**, noting that the Polish legal system distinguished between rights holders, who had legal capacity, and rights agents, who had the capacity to perform legal acts, said that, in the Committee's general comment No. 1 (2014), all human beings were recognized as having both legal capacity and agency. She wished to know whether the Government would consider aligning its national law with the Convention and the general comment and abolishing guardianship completely, as Peru had recently done. It was still not clear to her whether the Government would oppose the adoption of the draft Additional Protocol to the Convention on Human Rights and Biomedicine. Lastly, she wondered why the Government had not taken measures to prevent the sexual and psychological violence that had reportedly been committed against lesbian, gay, bisexual and transgender persons and persons with other sexual orientations or gender identities undergoing conversion therapies.

57. **Mr. Langvad** asked whether the Government believed that its concept of living independently within the community was fully in line with that set out in the Committee's general comment No. 5 (2017) on article 19 of the Convention, particularly with regard to the freedom to choose one's residence and the provision of personal assistance. He also wished to know what plans the Government had to ensure that persons with disabilities could continue to live independently should the European Union funding for sheltered living be halted, and whether the Government had a plan with specific time frames by which all persons with disabilities, including those with intellectual disabilities, would be living independently in the community.

58. **Mr. Ishikawa** asked what mechanisms were in place for monitoring violence against persons with disabilities in institutions such as care homes and specialized schools, filing complaints concerning such acts of violence and providing remedies.

59. **Mr. Buntan** asked how NGOs and other representative organizations were involved in the process of formulating, implementing and monitoring policies related to the Convention. He also wished to know to what extent disaster reduction and other humanitarian response plans and policies were disability inclusive, particularly in terms of the accessibility of information, shelters and evacuation processes. Lastly, he asked whether emergency calls were accessible to all persons with disabilities.

60. **Mr. Chaker** asked whether the Government had or was planning to implement a national emergency notification system that was accessible to all persons with disabilities.

61. **Mr. Ruskus** asked to what extent the reforms concerning support for persons with disabilities and disability assessments were in line with the rights-based provisions of the Convention and whether the derogatory language with regard to incapacity had been removed from the draft new disability assessment form. He also wished to know what was being done to ensure that judicial buildings and police stations were accessible to persons with physical disabilities; whether the Government would consider repealing all legal provisions allowing for the involuntary treatment and institutionalization of persons with disabilities, particularly those with psychosocial disabilities; what efforts had been made to develop recovery-oriented and community-based services for persons with psychosocial disabilities; what arrangements were in place to ensure reasonable accommodation and access to quality health care for persons with disabilities in places of detention; and how the State party guaranteed that women and girls with disabilities had access to supported decision-making and were not subjected to sterilization without their free and informed consent.

62. **Ms. Spurek** (National Human Rights Institution, Poland) said that further progress needed to be made before persons with disabilities in Poland could enjoy all human rights fully and equally. One step would be the adoption of a comprehensive national strategy for the implementation of the Convention and accession to the Optional Protocol. Persons with disabilities continued to face multiple discrimination, and the legal remedies available lacked effectiveness. The Act on Equal Treatment, for instance, prohibited discrimination only in the areas of vocational training and employment, and the Criminal Code did not recognize hate crimes against persons with disabilities as separate offences. Furthermore,

there was no system of supported decision-making for persons with disabilities, and no community-based support or personal assistance.

63. **Mr. Michalkiewicz** (Poland) said that the concept of disability and the situation of persons with disabilities were evolving in Poland and that progress was being made in implementing the Convention. The Government sought to foster dialogue with all persons with disabilities and to respond to their varying needs.

The meeting rose at 5.55 p.m.

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Twentieth session

Summary record of the 410th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 5 September 2018, at 10 a.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Poland (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of Poland (continued) (CRPD/C/POL/1; CRPD/C/POL/Q/1 and CRPD/C/POL/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Poland took places at the Committee table.*

Articles 11–20

2. **Mr. Jaros** (Poland), responding to questions put at the previous meeting, said that Polish law provided for both full and partial incapacitation. Decisions on depriving a person of legal capacity were made by the country's regional courts and could be challenged before the courts of appeal. Depriving a person of legal capacity was done in the person's interests — to protect him or her from the actions of unscrupulous individuals, for example.

3. The courts determined the extent of the deprivation of legal capacity. Partial incapacitation was offset by the appointment of a curator, who, in consultation with and on behalf of the person in his or her care, exercised the legal rights that, according to the order of the court, the person himself or herself lacked the capacity to exercise. The scope of the deprivation of legal capacity could be narrow. It could apply only to the management of assets, for instance, so that, in all other respects, the person concerned would be able to act independently. Curators were required to report to the courts on their activities. Guardians were appointed by the courts for persons subject to full incapacitation. Like curators, they were required to report to the courts.

4. Numerous safeguards were in place for persons with disabilities who were the subject of incapacitation proceedings. For example, the number of persons who could submit a petition to deprive a person of legal capacity was limited, there were penalties for the submission of malicious or frivolous petitions, the involvement of a prosecutor and the submission of medical evidence were required, and the person concerned was heard in the courtroom in the presence of an expert witness. Non-governmental organizations (NGOs) working with persons with disabilities could also be heard. In addition, the courts could, on their own authority, repeal decisions to deprive persons of legal capacity or appoint advocates for them — no petition was necessary. Persons deprived of legal capacity could challenge the court's decision, and in some cases the formal requirements for initiating such challenges were waived. They could also oppose medical treatment and, if admitted to a psychiatric hospital, petition for their release.

5. In late 2017, there were 74,000 persons deprived of legal capacity in Poland, for a rate of 192 per 100,000 population. The rates in Austria and Hungary were 650 and 604 per 100,000 population, respectively.

6. It was unclear how long it would take the country's lawmakers to agree to changes to incapacitation regimes proposed by the Department of International Cooperation and Human Rights of the Ministry of Justice. Making such fundamental changes to principles of civil law could take more than a year. It was also difficult to state whether Poland, as the Chair had suggested, could follow the example set by Peru and simply stop depriving persons with disabilities of their legal capacity — or a part thereof — or appointing guardians for them.

7. **Ms. Matysek** (Poland) said that the service desks required under the regulations governing the operations of the ordinary courts in Poland were accessible to persons with disabilities. Users of the justice system could be catered to in accordance with their particular needs, and court websites, some of which were optimized for use by persons with visual impairments, made it possible to obtain relevant information without having to go to the courthouse itself. Deaf users could avail themselves of the services of a sign language interpreter free of charge.

8. According to information supplied by the country's 11 courts of appeal, sign language interpretation services were generally provided by video link. A court in Ostróda

had three sign language interpreters employed in-house, however, while a non-verbal communication system had been set up at a court in Biała Podlaska. Customized assistance was provided to blind persons, including by service desk employees. Physical access to courtrooms was being facilitated through programmes of gradual renovation.

9. The rules for the provision of free legal aid during pretrial proceedings were set out in the Act on Free Legal Aid and Legal Education. Court fees could be waived for people who could not afford them, and service desk employees assisted anyone who had difficulty filling out forms. Persons who could not afford a lawyer could have one appointed for them.

10. Witnesses with disabilities could give their statements from their place of residence. At least one court in every region had videoconferencing equipment for that purpose. Such equipment could be loaned to other courts. Comprehensive statistics on the yearly number of videoconferences were not available, but one court, the Warsaw Regional Court, had indicated that it had held 623 such conferences in 2017.

11. Judges and other judicial personnel, such as prosecutors, had to be fit to perform their duties, which sometimes involved visiting sites outside the country's courthouses. Although she did not have information on how many of the judges and prosecutors in the Polish justice system were persons with disabilities, there were five judges with disabilities at the Kielce Regional Court, the court with which she was most familiar.

12. **Mr. Charkiewicz** (Poland) said that persons with disabilities who were parties to criminal proceedings enjoyed the same rights as all other persons. A number of measures were taken to ensure that they could exercise those rights. Under the Code of Criminal Procedure, for instance, persons with disabilities could, under certain circumstances, have defence counsel appointed for them. Reasonable accommodation was provided in criminal trials. The appointment of a sign language interpreter was required if a party to criminal proceedings could communicate only in writing. A planned amendment to the Code of Criminal Procedure would allow a designated person to collect correspondence from the courts on behalf of a person who was unable to collect it himself or herself.

13. Everyone admitted to prison was given a medical examination. Prison doctors authorized the distribution of orthopaedic devices or prostheses, and reasonable accommodation was provided to prisoners with disabilities. Wheelchair users, for example, were placed in appropriate cells, and efforts were made to ensure that toilets were accessible to them. Prison medical centres had wards and rehabilitation facilities for persons with disabilities. Two orientation courses for prisoners with visual impairments had been held at Bydgoszcz Fordon Prison.

14. **Ms. Lenarcik** (Poland) said that emergency plans in Poland were aimed at facilitating the prompt and safe evacuation of persons with disabilities in the event of small-scale emergencies. Exits were designated and evacuation routes planned with the needs of persons with disabilities in mind, and there were voice and lighting warning systems. Regular fire drills, overseen by the fire brigades, were held in large residential or public buildings.

15. Persons with disabilities were given specific consideration in civil defence plans for mass evacuations in the event of large-scale disasters. Audio warnings were supplemented by visual, on-screen warnings, and the police and firefighters had wheelchair-accessible vehicles.

16. Work was being done to enable deaf persons to call 112, the country's emergency number, by alternative means. A mobile application, which would make it possible to use a pictorial symbol to contact the emergency services, would be piloted shortly.

17. Newly designed police stations and other police facilities were accessible to persons with disabilities, while barriers at older facilities were being removed during renovations. The police were actively involved in campaigns on the prevention of violence, in particular in schools. Their efforts in that regard were of use to persons with disabilities.

18. **Mr. Lewandowski** (Poland) said that holders of driving licences issued by countries that had not ratified the Convention on Road Traffic required an international driving

permit to drive in Poland. In October 2018, new regulations were due to enter into force requiring driving test centres to provide sign language interpretation for examinations on request. In addition, the ban on driving for persons with total or partial hearing loss would be lifted for all classes of vehicle except buses. Persons with disabilities could choose to sit the practical driving test using their own adapted vehicle or one provided by the test centre; test fees would no longer be applied when a candidate's own vehicle was used.

19. **Mr. Krasuski** (Poland) said that the Government intended to create a national mobility centre for persons with disabilities, managed by a consortium of State entities and NGOs working with drivers with disabilities. Procedures would be developed for the issuance of medical certificates confirming fitness to drive, since many doctors currently refused to provide such certificates. In addition, equipment for adapting vehicles would be distributed to driving schools and test centres to enable persons with disabilities to learn to drive and sit the driving examination.

20. With regard to evacuation plans, the new legislation in force took into account the needs of persons with reduced mobility and persons with sensory impairments. Consultations would take place on the development of new recommendations for evacuation pathways in public spaces.

21. **Mr. Pelczarski** (Poland) said that, under the road map for the development of the support system for persons with disabilities three components were envisaged, one of which was the solidarity fund. The fund would finance government programmes for the provision of personal assistance and respite care, as well as initiatives to increase economic independence and improve rehabilitation services. As part of the Knowledge Education Development programme financed by the European Social Fund, the Ministry of Investment and Economic Development intended to implement a large-scale project to enhance rehabilitation and assistance services for persons with disabilities.

22. The main aim of the "For Life" programme was to provide persons with disabilities with effective economic and social support. The programme's housing component contained detailed objectives, including the development of sheltered housing for persons with disabilities. Priorities included making such housing more widely available to families with children with disabilities; public land would be set aside for its construction. Sheltered housing was financed using European Union funding allocated for supporting people at risk of exclusion. Several projects were under way to develop model housing standards for each of six different groups of persons with disabilities. European Union funding would be used to provide assistance and care services for more than 165,000 people. Persons who required support but did not need 24-hour care were eligible to apply for protected housing; such persons might include those with mental disabilities, as well as care leavers and refugees.

23. One of the fundamental tasks of the State was to protect the life and property of its citizens. Dedicated units at the local government level were responsible for assisting victims of catastrophes and extreme weather events. In such situations, victims with disabilities were offered additional protection and assistance.

24. A strategy was being developed to govern the use of European Union funding until 2030. The strategy would include indicators for the type of measures that would be eligible for financing under European Union programmes. European Union regulations addressed the issue of the sustainability of projects and measures introduced with such financing.

25. **Ms. Prekurat** (Poland) said that the priority of the support system for persons with disabilities was to help them continue to live in their own homes. Placement in a care home was regarded as a last resort. Local governments had an obligation to provide services including support for daily tasks and assistance with communication; the number of people using such services had gradually increased in recent years. In addition, day-care centres provided specialist care services and meals, and self-help centres were in place for persons with mental disabilities. The centres were funded from the State budget. Self-help centres provided instruction in everyday activities and social functions. As part of the "For Life" programme, 300 million zlotys were earmarked for the development of the network of self-help centres. In 2017, 23 community self-help homes had opened and 75 new places for persons with mental disabilities had been created. In addition, five new facilities had been established in regions that had previously lacked such resources. In recent years, persons

with disabilities and their families had voiced the need for greater independence for those persons and the Government was striving to take that need into account in the social assistance system. Persons with disabilities living in care homes could choose to move into sheltered housing, their own home or the home of a family member.

26. **Mr. Kubacki** (Poland), describing the laws on consent to medical treatment and the role of caregivers and the guardianship court in that regard, further details of which were contained in paragraphs 189 to 197 of the initial report (CRPD/C/POL/1), said the Ministry of Health took the position that the legislation in place provided adequate protection for patients. The sterilization of women in the absence of consent could not be carried out without oversight.

27. It was difficult to obtain accurate information on conversion therapy. The Ministry of Health was guided by international health standards set by the World Health Organization, including the International Classification of Diseases. Conversion therapy was not offered within the public health-care system, but was available from non-medical professionals such as psychotherapists. It was possible that more measures were needed to address the practice.

28. **Ms. Wilewska** (Poland) said, with regard to the prevention of violence in schools, that a new curriculum had been introduced covering respect for oneself and others, self-esteem, and family and community values. It had been designed to enable schools to adopt a holistic approach to prevention. A number of other initiatives were in place to prevent violence, including the provision of relevant resources for school principals and psychological support for students. The Centre for Education Development operated a website with downloadable materials to help teachers ensure safety in schools.

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29. **Mr. Martin** said that it was still not clear whether persons with intellectual disabilities who were under guardianship could set up and participate in representative organizations and, if not, when steps would be taken to enable them to do so.

30. It would be interesting to know what measures were being taken to make public information available in Easy Read formats or to support organizations of persons with disabilities that were already producing Easy Read information for persons with intellectual disabilities. Given that persons with intellectual disabilities around the world had poor health outcomes and lower life expectancy than the general population, he wondered what was being done to improve health outcomes for such persons in institutions and group homes in Poland. Lastly, he wished to know whether any measures had been taken to repeal the law preventing persons with intellectual disabilities under guardianship from voting.

31. **Mr. Basharu** said that he would welcome information on the time frame for strengthening requirements relating to accessible broadcasting and the steps that would be taken to make a wide range of television programmes, including news programmes, accessible to different groups of persons with disabilities. He asked what measures were in place to ensure respect for the privacy of persons with disabilities in institutions and how the situation in that regard was monitored. He also wished to know when the Government would amend legislation preventing persons with mental and intellectual disabilities from marrying. He asked to what extent deaf persons enjoyed access to bilingual education, what complaints mechanisms were available for parents of children with disabilities in cases where children were refused admission to the school of their choice and how parents were informed of their rights in such cases. Lastly, he would like to hear how the State party ensured the accessibility of vocational training, adult education and skills upgrading courses for persons with disabilities, including persons with sensory disabilities. What action did it take when the learning activities in question were provided only by private entities?

32. **Mr. Kim** Hyung Shik said that he wished to know why the employment rate for persons with disabilities was significantly lower in Poland than in other European countries, what measures would be taken to address that disparity, what target rate had been established for the employment of persons with disabilities and when that target would be achieved. He would also like to hear how the earnings and job stability of persons with

disabilities compared with those of other workers, what steps were taken to address disability-based discrimination in the workplace and whether policies with regard to the employment of persons with disabilities were based on the principle of inclusive employment in the open labour market or whether they focused on protected jobs. Given that special benefits were provided to companies at which over 30 per cent of the workforce were persons with disabilities, he wondered whether, in such companies, persons with disabilities were recruited on merit or because of the advantages gained by hiring them.

33. It would be interesting to learn how far persons with disabilities, or their representative organizations, were involved in managing, planning, delivering and monitoring international development projects. He also wished to hear in what specific ways international cooperation had contributed to capacity-building, research facilitation and the sharing of information, experience, best practices, technical assistance and access to assistive technologies. He would welcome an example of a specific project that had provided tangible benefits to persons with disabilities through international cooperation. Lastly, he asked what efforts were being made to ensure that organizations of persons with disabilities were involved in monitoring the implementation of the Convention and what funding they received to enable them to carry out that task.

34. **Mr. Ishikawa** said that he wished to know what steps were being taken to ensure that measures to boost employment in the open labour market included all persons with disabilities and how the State party saw to it that persons with disabilities constituted at least 6 per cent of workforces in all sectors. He asked what efforts were being made to collect disaggregated data on poverty among persons with disabilities and to monitor the effectiveness of social security mechanisms aimed at combating poverty.

35. It would be interesting to learn what measures were being taken to abolish legal provisions that prevented persons with psychosocial disabilities, and all persons deprived of legal capacity, from enjoying the right to vote and all other political rights. He would also like to hear what efforts were being made to ensure access to polling stations for persons with disabilities, whether electronic voting machines would be installed to enable persons who could not cast paper ballots to vote independently and in secret, and whether Internet voting would be introduced to allow persons with reduced mobility to vote from home. He would welcome information on any measures taken to promote the active participation of persons with disabilities in political and public life, including any publicly funded awareness-raising campaigns. Lastly, he asked what plans the Government was making to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

36. **The Chair** asked whether the Government would consider withdrawing its reservations to articles 23 and 25 of the Convention, and whether women with disabilities enjoyed access to services relating to their sexual and reproductive rights and health, including accessible, disability-sensitive and gender-sensitive maternal health, family planning, gynaecology and midwifery services, parenting support for mothers with psychosocial or intellectual disabilities and safe abortions. Where abortion was concerned, she would like to draw the delegation's attention to the joint statement issued the previous week by the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Discrimination against Women, in which it was affirmed that all women, including women with disabilities, should have access to safe abortions. Noting that concerns had been raised about the misuse of European Union funding earmarked for deinstitutionalization, she asked how the use of such funds was monitored to ensure compliance with article 19 of the Convention and how organizations of persons with disabilities were involved in the deinstitutionalization process. Lastly, she wished to remind the delegation that the placement of restrictions on the exercise of legal capacity was a violation of human rights in general and of the Convention in particular.

37. **Mr. Langvad**, noting that certain aspects of two European Union texts on accessibility and on the rights of persons with disabilities, respectively, were not in compliance with the Convention, said that he wished to urge the Government of Poland to make efforts to persuade the European Union to address such issues. Given that high-quality catheters were available but not affordable for many persons in Poland, he wondered how the Government would ensure that all persons with disabilities, irrespective

of the type of disability, could obtain adequate financial support for the purchase of such equipment.

38. **Mr. Ruskus** (Country Rapporteur) said that it was still not clear how persons with disabilities would be able to continue living independently in the community when the European Union funding that currently enabled them to do so had run out.

39. The Committee would welcome information on the status of implementation of the Act on Sign Language and Other Means of Communication, under which free access would be provided to sign language interpretation in all sectors. It would also appreciate details of existing or planned legislation to expedite the introduction of reasonable accommodation, individualized curricula and inclusive classroom teaching in accessible learning environments. It would like to know whether the Government would consider withdrawing its reservation to article 25 (a) of the Convention and how it would ensure access to health services for all persons with disabilities, irrespective of the type of disability. It wished to hear what steps were being taken to provide individualized, needs-based habilitation and rehabilitation for persons with disabilities as part of a wide range of community-based services. Lastly, the delegation should explain why, in 2018, the State party had amended its electoral law in a way that made it more difficult for persons with moderate and severe to disabilities to vote.

The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.

40. **Ms. Iwanczyk** (Poland) said that, according to data from a workforce survey, the employment rate for persons with disabilities had increased in recent years, reaching 26 per cent. However, that figure included only persons whose disability had been officially recognized; the rate rose to 30 per cent when other persons with disabilities were taken into account. The majority of persons with disabilities worked in the open labour market rather than in protected jobs. Workplaces at which the percentage of employees with disabilities was lower than average were encouraged to offer employment to any person with a disability who was ranked among the top five candidates applying for a particular job. Employers who wished to recruit a person with a disability could obtain subsidies to offset the cost of adapting their premises, purchasing assistive technologies, organizing training and hiring assistants. The percentage of the workforce with disabilities was continuing to grow. Persons with disabilities constituted 20 per cent of staff in the Office of the Government Plenipotentiary for Persons with Disabilities.

41. Persons with disabilities were paid the same as other employees doing the same job. Irregularities or instances of abuse in the area of employment were dealt with by the National Labour Inspectorate or by other relevant bodies. According to surveys carried out in European Union member States, the poverty rate among households that included a member with a disability had fallen significantly, including in households where the head of household was a person with a disability.

42. Health-care facilities and fire brigades, among other public services, would be entitled to use all the amenities listed in the Act on Sign Language and Other Means of Communication, including sign language interpretation and various augmentative and assistive means of communication.

43. NGOs of persons with disabilities, which numbered in the thousands, drew on the experience of their counterparts in other countries and offered support to organizations abroad. Such support was also provided at government level, through development assistance projects, to countries where the networks of organizations were less well established.

44. **Ms. Raszkowska** (Poland) said that Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies would be implemented by 23 December 2018 and would become part of Polish law at the start of 2019. The Government had been participating actively in the negotiations concerning the proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the member States as regards the accessibility requirements for products and services, which would regulate the availability of information in the public

and private sectors, including information made available in the public transport system, the banking sector and elsewhere. The directive would require information to be provided through more than one sensory channel and in easy-to-understand language, and sanctions would be imposed on bodies that failed to comply with it. The Government's contributions to the drafting of the directive were based on its discussions with entrepreneurs, organizations of persons with disabilities and human rights defenders and were aimed at ensuring that the directive would be in compliance with the Convention.

45. **Mr. Krasuski** (Poland) said that the broadcasting of accessible television and radio programmes was one element of the "Friendly Poland — Accessibility Plus" programme. The Broadcasting Act had recently been amended to introduce targets for the proportion of accessible programming, to be met by all broadcasters. By 2019, 15 per cent of quarterly broadcasts must be in accessible formats and that figure would increase progressively before reaching the final target of 50 per cent by 2024. Broadcasts must be made accessible to both blind and deaf persons. An executive act would be issued, defining the kinds of programme that should be broadcast in accessible formats as a matter of priority and when, so as to ensure that broadcasters did not violate the spirit of the law by broadcasting such programmes at night rather than during prime time.

46. Public institutions, NGOs and the business sector were engaged in international cooperation related to the rights of persons with disabilities and the improvement of accessibility, financed with European Union funding. The State Fund for the Rehabilitation of Persons with Disabilities was currently running a project in partnership with German and Lithuanian universities to apply best practices from those countries in the education of managers in the rehabilitation system. In addition, a call had been launched for organizations interested in cooperating with partners in other European Union member States on the implementation of technological innovations from abroad. Under European Union law, the funds used to finance such activities must be sustainable and used to make structural changes. Some projects supported with European Union funding involved the development of new models, standards and procedures, for example in relation to deinstitutionalized foster care. Funding was provided with the expectation that the standards or procedures would actually be implemented in practice. Services that received funding were also subject to sustainability criteria and must be maintained for a certain period of time.

47. Accessibility for persons with disabilities was one of the priority areas for the European Social Fund. Each year, information campaigns were run to highlight how European Union funding could support the social inclusion of persons with disabilities. As from 2019, the implementation of the "Friendly Accessible Office" project would begin, involving the training of public officials on how to communicate effectively with persons with intellectual disabilities using simple messages that were easy to understand.

48. **Ms. Maciejewska** (Poland) said that Poland had signed the Marrakesh Treaty in 2014. The European Court of Justice had confirmed the exclusive competence of the European Union to ratify the Treaty. The corresponding directive and regulations were expected to be finalized by the end of September 2018. The regulations would be directly applicable in Poland, while implementation of the directive would require amendments to the Act on Copyright and Related Rights, which were in the pipeline.

49. Voting rights were enjoyed by all persons with disabilities, regardless of the kind of disability. Under the Constitution, voting rights could only be withdrawn from persons incapacitated by the courts. The withdrawal of voting rights further to incapacitation was enshrined in the Polish legal tradition and was justified on the basis that, if a person did not have the intellectual capacity to manage his or her own affairs, he or she would not be in a position to analyse the political situation in the country and vote accordingly. That view was indirectly reflected in the reasoning of a 2007 judgment by the Constitutional Court. The issue of voting rights for incapacitated persons had not been raised in proposals for reforms to the Constitution or in the programmes of political parties.

50. Persons with disabilities who had had an assessment confirming that they had a moderate or significant degree of disability were entitled to vote by post. The limitation on postal voting had been introduced in January 2018 on the grounds that the system was open

to abuse. There had been doubts too as to the security of electronic voting at polling stations, particularly in the light of the negative experiences of several countries that had attempted to introduce such systems. The matter would be reviewed as the level of Internet security increased.

51. **Mr. Gasior** (Poland) said that Polish electoral law had long provided for accommodations for persons with disabilities, with regard to both voting rights and the provision of information on elections, and such accommodations continued to be extended. Since 2014, there had been a legal obligation to officially inform voters about accessible polling stations and the possibility of postal voting or voting by proxy for persons with disabilities. In addition, municipalities had a duty, on request, to provide information to persons with disabilities in print or electronic format on the conditions for registering with an accessible polling station, the candidates standing for election and different ways of voting, for example. The website of the National Electoral Commission published information on the statutory rights of persons with disabilities, as well as all announced elections; some information was available in Polish Sign Language and Braille versions, the latter provided on request. Election announcements and results must be posted in and outside polling stations, in places that were easily accessible to persons with disabilities.

52. Voters with disabilities could be assisted by any other person to enter a polling station and to cast their vote. As at 2017, half of the country's 27,000 polling stations were adapted to the needs of persons with disabilities; hospitals and care homes also had polling stations where persons with disabilities could vote. Under the most recent amendments to electoral law, officials were now obliged to check that local governments had fulfilled their obligations in terms of accessibility of polling stations. In 2016, new accessible ballot boxes had been introduced in all polling stations.

53. **Mr. Kubacki** (Poland) said that the withdrawal of the State party's reservations to articles 23 and 25 of the Convention was not currently under consideration. The Act on Family Planning, Human Fetus Protection and Preconditions for the Admissibility of Abortion set out the circumstances in which termination of pregnancy was permitted; the conditions it established were the same for all citizens. Issues related to reproductive rights were being analysed in more depth by the Ministry of Health and were reflected in the 2016–2020 National Health Programme, which covered all citizens. There was also a comprehensive reproductive health-care programme.

54. A number of measures had been taken to improve the availability of rehabilitation services. However, as they had only recently been introduced, it was too early to evaluate them. Changes had been made to the provision of rehabilitation in the hospital network with a view to improving coordination. Assessment teams had been appointed to analyse the rehabilitation system and propose further improvements. There was increased investment in rehabilitation services and health care generally, and there were plans to increase the co-financing limits for medical devices.

55. **Ms. Wilewska** (Poland) said that the Ministry of Education took practical steps to implement inclusive education. When it came to school admissions, it was parents or children with disabilities themselves who selected the school, choosing between mainstream schools, integrated schools and special schools. The director of a public mainstream school could not refuse to admit a student with a disability if the school was within the vicinity of the student's home; refusals could be appealed. Children with disabilities and the children of parents with disabilities were given priority access to preschool.

56. There were no obstacles to the enrolment of students with disabilities in vocational or technical schools, provided that they had the authorization of their doctor. An amendment to the law on vocational education and training was currently being prepared with a view to providing better solutions for students with disabilities. Children with disabilities could participate in extracurricular activities, again provided that they had the authorization of their doctor. There were special habilitation classes for students with hearing impairments and there was an obligation for them to be taught sign language. Blind students were given classes on Braille, spatial orientation and alternative communication. It was not considered necessary to introduce bilingual communication universally, as the

number of children who needed sign language was decreasing year on year owing to earlier detection of hearing impairments, screening of newborns, and the provision of prosthetics and speech therapy at an early stage, which meant that many children with hearing impairments were functionally hearing and could learn verbally with their peers. A preschool education manual had been made available for parents and teachers of deaf children and could be downloaded from the Ministry of Education's website.

57. **Ms. Neroj** (Poland) said that the Ministry of Education was working to implement inclusive education, not only for children with disabilities, but also for those with special educational needs as a result of a health condition, difficult living conditions or special abilities. The work was based on broad consultations and debate in 2016. An expert team appointed by the Ministry, including representatives of organizations of persons with disabilities and parents of children with disabilities, had developed recommendations and proposed legislative amendments. One of the outcomes had been the adoption of a biopsychosocial model of disability based on the Convention. Standards were being prepared for the development of educational measures and diagnostic tools that took account of that biopsychosocial approach.

58. **Mr. Michalkiewicz** (Poland) said that the delegation was grateful to the Committee for the constructive dialogue and to Polish organizations of persons with disabilities for their contribution. Poland had made positive legislative and policy changes and was committed to progressing further with a view to realizing the rights of persons with disabilities, guaranteeing them the conditions necessary for a dignified life and the opportunity to use their skills to ensure that they contributed on an equal basis with others to the country's development. The Committee's recommendations would be taken duly into consideration in the development of future disability policy.

59. **Mr. Ruskus** said that the State party was to be commended on the advances it had made thus far. It must, however, reinforce the shift from a charity and social protection approach to disability to the human rights-based model, and it must provide explicitly for non-discrimination and equality measures aimed at achieving the full social participation and inclusion of all persons with disabilities. Poland should withdraw its reservations to the Convention and accede to the Optional Protocol, and it should draw on the Committee's general comments and the provisions of the Convention when designing legislation and practical measures for the realization of the rights of persons with disabilities. He believed that the commitment made by the Government to effectively incorporate the Convention into the domestic legal order was sustainable and would support persons with disabilities to make their own decisions and lead independent, decent lives in an inclusive society on an equal basis with others.

60. **The Chair** thanked the delegation for its openness during the constructive dialogue with the Committee.

The meeting rose at 1.05 p.m.